

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ZEREZGI KIFLE-TESFAGABIR,

Petitioner,

v.

MICHAEL CHERTOFF, *et al.*,

Respondents.

CASE NO. C05-904-MJP-MJB

ORDER OF DISMISSAL

On May 16, 2005, petitioner filed, through counsel, a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (Dkts. #1). In the habeas petition, petitioner argued that the Board of Immigration Appeals' ("BIA") failure to act on his motion for a stay of removal pending the adjudication of his motion to reopen violated the Due Process Clause, the Administrative Procedures Act, the Immigration and Nationality Act, and the Convention Against Torture, and constituted unreasonable delay within the meaning of 28 U.S.C. § 1361. On June 24, 2005, the BIA adjudicated and granted petitioner's motion for stay of removal. In light of that decision, petitioner's habeas petition is now moot.

The parties having stipulated and agreed that this habeas proceeding has become moot and may be dismissed without prejudice, it is so ORDERED.

The Clerk is directed to send copies of this Order to all counsel of record.

1 DATED this _28th_ day of June, 2005.

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4 Marsha J. Pechman
5 U.S. District Judge

6 Recommended for Entry
7 this 28th of June, 2005.

8 /s/ Monica J. Benton
9 MONICA J. BENTON
10 United States Magistrate Judge
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